

THE MARKS LAW FIRM, P.C.

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April 9, 2024

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***FILED VIA ECF***

Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

**MEMO ENDORSED**

RE: **Kirkpatrick Dunbar v. Korres House LLC, et al.**  
Index: 1:23-cv-09976-VEC

Dear Judge Caproni,

Pursuant to Sections 2(a) and (c) of Your Honor's Individual Part Rules, Plaintiff respectfully requests an adjournment of the Default Judgment hearing from **April 26, 2024** to either **May 8, 2024** or **May 17, 2024**, as set forth in Your Honor's March 29, 2024 Order To Show Cause[Dkt. 25].

The reason for this request is that Plaintiff's counsel has a previously scheduled trip to Canada to be with family for the Jewish Passover holiday, and will not be physically available for the April 26, 2024 in-person hearing. In the alternative, if the Court would like to proceed with the April 26, 2024 date, Plaintiff respectfully requests permission to appear telephonically at the hearing.

This request is made on consent of David Saponara, counsel for Korres House LLC. Kevin Johnson, counsel for Wing Yuen Realty did not respond to our request by e-mail, or our follow-up calls to his office and cell phone. It should be noted, that on April 4, 2024, Darren R. Marks personally went to the Johnson Litigation Group's purported Manhattan Office (11 Park Place, Suite 1503) and was informed by the receptionist of the firm Silver & Kelmachter LLP occupying the suite that neither the Johnson Litigation Group nor Kevin Johnson has offices there. Thereafter on April 4, 2024, I personally visited Kevin Johnson's Long Island office in Great Neck, New York. Mr. Johnson was in his office and I handed him a printed copy of the entire docket that included Your Honor's Orders. I further stressed the importance to Mr. Johnson that he timely and promptly address the Orders of this court, to which Mr. Johnson responded that he was familiar with this matter and its deadlines, was in contact with his client about this matter, and that he intends to respond with an explanation of his absence and health issues.

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Furthermore, if this Court is amenable to providing a new date for the hearing on **May 8, 2024, May 17, 2024**, or a date sooner ( the only request is to not schedule a new date either on **May 3, 2024** or **May 20, 2024** due to scheduling conflicts), kindly allow us to serve Defendant, Wing Yuen Realty Inc. with notice of the new date via certified mail to Wing Yuen Realty Inc. c/o Kok Choy Chan, 2724 Avenue W, Brooklyn, NY 11229 (the address listed on the Secretary of State's website for this company) and to Kevin Johnson at 1 Linden Place, Suite 207, Great Neck, NY 11021. This is the first request of its kind.

We thank you and the Court for its time and consideration.

Respectfully Submitted,

The Marks Law Firm, P.C.

By:   
Bradly G. Marks

Application GRANTED. The default judgment hearing scheduled for Friday, April 26, 2024, at 10:00 A.M. is ADJOURNED to **Friday, May 17, 2024, at 10:00 A.M.** By not later than **Thursday, April 11, 2024**, Plaintiff must serve a copy of this order on Defendant Wing Yuen Realty Inc. via certified mail to Wing Yuen Realty Inc. c/o Kok Choy Chan, 2724 Avenue W, Brooklyn, NY 11229 (the address listed on the Secretary of State's website for this company) and to Kevin Johnson at 1 Linden Place, Suite 207, Great Neck, NY 11021. Plaintiff must file proof of service via ECF by not later than **Friday, April 12, 2024**.

Given the extension of the Default Judgment hearing and the Passover holiday, Defendant Wing Yuen's deadline to oppose entry of default judgment is extended from Wednesday, April 17, 2024, to **Wednesday, May 1, 2024**. Plaintiff's deadline to reply is extended from Tuesday, April 23, 2024, to **Tuesday, May 7, 2024**.

SO ORDERED.



4/9/2024

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE